#### STATE OF WASHINGTON



# OFFICE OF INSURANCE COMMISSIONER

# BEFORE THE INSURANCE COMMISSIONER OF THE STATE OF WASHINGTON

In the Matter of	Filing No. 02-119
Evergreen National Indemnity Company, An Authorized Insurer.	Order No. D03-15 CONSENT ORDER IMPOSING A FINE
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### FINDINGS OF FACT:

- 1. Evergreen National Insurance Company ("Evergreen National") is authorized to write insurance in Washington State.
- 2. Evergreen National is subject to Title 48 RCW, the Insurance Code, and to Title 284 of the Washington Administrative Code ("WAC"). RCW 48.30A.060 requires each property, vehicle, casualty, marine transportation and surety insurer licensed in this state to file an annual report with the Office of the Insurance Commissioner (OIC) to show their activity in combating fraud. This report must include a summary of actions taken under anti-fraud plans, measures taken to protect the integrity of electronic data processing and manually generated data, statistical data on the resources committed to combating fraud and the amount of fraud identified and recovered during the reporting period of 2001.
- 3. On January 18, 2002, the OIC notified you that the report was due by April 1, 2002. On May 17, 2002, OIC sent a second notice to you that the report had not been received and that you had until June 7, 2002 to comply or be in violation of WAC 284-30-650 and appropriate disciplinary action would be initiated.
- 4. To date, Evergreen National has failed to file its 2001 Anti-fraud report.

#### CONCLUSIONS OF LAW:

- 1. The failure of Evergreen National to file its year 2001 Anti-fraud report by April 1, 2002, violated WAC 284-30-650 and RCW 48.30A.060.
- 2. Under RCW 48.05.140(1) the Insurance Commissioner has the discretion to refuse, suspend or revoke an insurer's certificate of authority if the insurer "Fails to comply with any provision of this code other than those for violation of which refusal, suspension or revocation is mandatory."
- 3. Additionally, under RCW 48.05.185 the Commissioner may levy a fine upon the insurer in an amount not less than two hundred fifty dollars and not more than ten thousand dollars, "After hearing or with the consent of the insurer and in addition to or in lieu of the suspension, revocation or refusal to renew any certificate of authority."

Evergreen National Insurance Company Consent Order Page 2

## CONSENT TO ORDER:

- 1. Evergreen National stipulates to the foregoing Findings of Fact and Conclusions of Law and consents to this order, which imposes a fine of \$1000 (One Thousand Dollars and no cents) upon Evergreen National in lieu of further proceedings against the certificate of authority held by that insurer in Washington State. This fine must be paid in full by not later than thirty days after this order is entered. Failure to pay the fine timely and in full will constitute grounds for the suspension or revocation of the insurer's certificate of authority in Washington State. It will also result in a civil action to recover the fine, brought on behalf of the Insurance Commissioner by the Attorney General of the state of Washington.
- 2. Evergreen National also stipulates that it will file its 2001 Annual Anti-fraud Report at the same time the fine is paid and that it will comply with all insurance laws and regulations of this state in the future, including but not limited to RCW 48.30A.160.

Executed this 17<sup>th</sup> day of December, 2002, by:

Typed Name:	
Typed Corporate Title:	

EVERGREEN NATIONAL INSURANCE COMPANY

#### ORDER:

Pursuant to RCW 48.05.185, the Insurance Commissioner imposes a fine of \$1000 (One Thousand Dollars and no cents) upon Evergreen National Insurance Company, expressly in lieu of further proceedings against the certificate of authority held by Evergreen National in Washington State. The fine is to be paid in full not later than thirty days after the entry of this order. Evergreen National shall file the Annual Anti-fraud report required under RCW 49.30A.160 for 2001 at the same time. Failure to pay the fine or file the 2001 Annual Anti-fraud report timely will constitute grounds for suspension or revocation of that certificate of authority. It will also result in a civil action to collect that fine, brought on behalf of the Insurance Commissioner by the Attorney General of the State of Washington.

ENTERED AT TUMWATER, WASHINGTON, this  $23^{rd}$  day of December, 2002.

MIKE KREIDLER Insurance Commissioner

Melanie deLeon, WSBA #30100 Assistant Attorney General PO Box 40100 Olympia, WA 98504-0100 (360) 664-0083 Attorney for the Insurance Commissioner